## UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

FIRST STUDENT, INC.

and

Cases 8-CA-64827 8-CA-62611

## **TEAMSTERS LOCAL UNION NO. 413**

## ORDER1

The petition to revoke subpoena duces tecum B-560796 filed by First Student, Inc. is denied. The subpoena seeks information relevant to the matters under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Petitioner has failed to establish any other legal basis for revoking the subpoena.<sup>2</sup> See generally *NLRB v. North Bay Plumbing, Inc.* 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).<sup>3</sup> Dated, Washington, D.C., February 8, 2012.

MARK GASTON PEARCE, CHAIRMAN

BRIAN E. HAYES, MEMBER

RICHARD F. GRIFFIN, JR., MEMBER

<sup>2</sup> To the extent that the Petitioner has provided some of the requested material, the Petitioner is not required to produce that information again.

<sup>&</sup>lt;sup>1</sup> The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

<sup>&</sup>lt;sup>3</sup> In considering the petition to revoke, we have evaluated subpoena B-560796 as clarified by the Region in its opposition brief. In response to the Petitioner's contention that the subpoena requests documents "that arguably relate to the Company's hundreds of locations across the country and roughly 60,000 employees," the Region clarified that the subpoena is limited to the Petitioner's Marysville, Ohio and Columbus, Ohio facilities. The Region also reiterated that the subpoena applies only to those documents in the Petitioner's physical possession, custody or control.